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January 17, 2020

Via Electronic Submission

United States Bankruptcy Court for the Western District of Pennsylvania
5414 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Re: Debtor: 5171 Campbell Land Co LLC
Petition #: 19-22715-CMB

Dear Sir or Madam,

Enclosed please find the following:

1. *Motion for Relief from Automatic Stay*

Should you have any questions please do not hesitate to contact my office.

Very Truly Yours,

/s/ *Ryan Flaherty*

Ryan Flaherty, Esq.

Enclosures

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

5171 Campbell Land Co LLC, Debtor

Case No. 19-22715-CMB
Chapter 11

Vicki Friedman,

Movant,

V.

5171 Campbell Land Co.,

Respondent.

MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes the Movant, Vicki Friedman, and hereby moves this Court pursuant to 11 U.S.C. § 362(d) for relief from the automatic stay entered in this action per 11 U.S.C. § 362(a) to permit her to pursue her bodily injury claim in the Clarion County Court of Common Pleas arising out of a slip and fall incident which took place on or about June 12, 2019 to the extent that the debtor, 5171 Campbell Land Co., or any insurance carrier, shall be financially responsible.

In support thereof, creditor Vicki Friedman states as follows:

1. This is a proceeding for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and Fed. R. Bankr. P. 4001.
2. On July 8, 2019, Defendant 5171 Campbell Land Co., Inc. filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code.
3. On the Petition Date, August 5, 2019, Vicki Friedman filed claims in the Court of Common Pleas of Lawrence County against 5171 Campbell Land Co. for personal injuries arising out of a June 12, 2019 slip and fall incident at Perkins Restaurant located at 3334 Wilmington Rd, New Castle, PA 16105.

4. On August 19, 2019, Vicki Friedman filed a Praecipe to Reinstate her Complaint against 5171 Campbell Land Co. for personal injuries arising out of the June 12, 2019 slip and fall incident at Perkins Restaurant located at 3334 Wilmington Rd, New Castle, PA 16105.
5. On October 28, 2019, Defendant, 5171 Campbell Land Co., filed a Notice of Suggestion of Pendency of Bankruptcy and Automatic Stay with Lawrence County Court of Common Pleas.
6. This relief is sought for the limited purpose of enabling Vicki Friedman to continue to pursue her bodily injury tort claims against 5171 Campbell Land Co.
7. Any judgment or settlement of the claims would be funded by the Argo Insurance policy held by the Debtor.
8. Creditor, Vicki Friedman, submits that relief from the automatic stay should be granted for cause as contemplated by Section 362(d) of the Bankruptcy Code on account of, without limitation, the following reasons: Debtor will not be prejudiced by an order from this court lifting the automatic stay to the extent of the insurance carried by the debtor at the time of the incident, because if Creditor, Vicki Friedman, were to obtain a judgment against the Debtor within the insurance policy limits, said monies would be paid by the Argo Insurance policy held by Debtor, not by the Debtor. Therefore, such a judgment would not affect the assets of the Debtor's estate.

WHEREFORE, creditor, Vicki Friedman, moves this court for relief from the automatic stay so that she may pursue the bodily injury tort claims and a possible civil action against the debtor, 5171 Campbell Land Co., to the extent of any applicable liability insurance policy limits. Furthermore, Creditor Vicki Friedman moves the court to deny Debtor from being discharged to the extent their insurance company will be responsible for damages arising out of the June 12, 2019 incident at Perkins. A proposed order is attached hereto as Exhibit A.

Respectfully Submitted,
Peggy Michael, By her Attorney,

/s/Ryan Flaherty, Esquire
Ryan Flaherty, PA ID# 314552
Simon & Simon, PC
707 Grant St. Suite 1200

Date: January 17, 2020

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

5171 Campbell Land Co LLC, Debtor

Case No. 19-22715-CMB
Chapter 11

Vicki Friedman,

Movant,

V.

5171 Campbell Land Co.

Respondent.

ORDER LIFTING AUTOMATIC STAY AS TO PERSONAL INJURY CLAIMS OF
VICKI FRIEDMAN

And now, this _____ day of _____, 2019, upon motion of personal injury claimant, Vicki Friedman for relief from the automatic stay under section 363 of the Bankruptcy code, it is hereby:

ORDERED that the Automatic Stay is LIFTED with respect to the bodily injury claims to proceed to the extent of any available bonds or insurance coverage including that afforded by Argo Insurance and that 5171 Campbell Land Co. is hereby denied discharge ability to the extent that Argo Insurance will be responsible for damages to Vicki Friedman arising out of the June 12, 2019 fall down incident at Perkins.

By the Court:

The Honorable